



The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

Jolene Vips
Benson's Lumber and Hardware Inc.
Pentucket Plaza Route 125
Plaistow, New Hampshire 03865

LETTER OF DEFICIENCY
WMB-ESP 2005-03
August 18, 2005

Dear Ms. Vips:

On Saturday, August 13th, 2005, personnel from the Department of Environmental Services conducted an inspection of the merchandise offered in your store, Benson's Lumber and Hardware, located in Londonderry, New Hampshire. The purpose of this inspection was to determine compliance with RSA 487:16-a, Exotic Aquatic Weed Prohibition.

Specifically, RSA 487:16-a (enacted January 1, 1998) states that "*No exotic aquatic weeds shall be offered for sale, distributed, sold, imported, purchased, propagated, transported, or introduced in the state.*" Fourteen species of exotic aquatic plants were listed as prohibited on September 5, 1998. This list has been enclosed for your information.

During the site inspection the following deficiencies were noted:

1. *Myriophyllum aquaticum*, commonly known as parrot feather, was being offered for sale.

Compliance with the cited deficiencies can be achieved by immediately destroying all plants of these species. Appropriate means of disposal include burning, land filling, disposing in a trash container, desiccating, and composting, if applied away from any surface waters. A report outlining how compliance will be achieved with the cited deficiency should be submitted to DES within 15 calendar days from receipt of this letter.

In the event that appropriate actions are not taken, DES may order you to take remedial measures as may be necessary. Failure to comply with such order may result in enforcement action by DES under RSA 487:7. In addition, DES personnel may conduct another inspection at a later date to determine whether you have come into, and are maintaining, full compliance with the applicable statute.

Enclosed, for your information, are fact sheets detailing the legislation, and a list of prohibited exotic aquatic plants. If you have any questions, please contact me at 603-271-3414 or jconnor@des.state.nh.us.

Sincerely,

Jody Connor
Director, Limnology Center Director

CERTIFIED MAIL #7000 1670 0000 0587 5800

Enclosures

JC:aps

cc: Gretchen R. Hamel, Legal Unit Administrator, DES ✓
Exotic Species Program